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C O N F I D E N T I A L SECTION 01 OF 02 QUITO 000878

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [ASEC](#) [EC](#)

SUBJECT: ECUADOR: THE WAY FORWARD

Classified By: Ambassador Kristie A. Kenney. Reasons 1.4 (b&d)

11. (C) Summary: The dismissal by Congress of President Lucio Gutierrez on April 20 and the swearing in of President Alfredo Palacio has shifted the political landscape. Palacio took office sounding notes of contrast with his predecessor, including respect for the constitution and the letter of Ecuador's international commitments, greater responsiveness to the will of the people, and a vow to end impunity and restore rule of law. With the situation still fluid, we are taking action on several fronts. First, we will reach out immediately to the new government privately, while maintaining public reserve on the legitimacy of the new government, to open channels to the new government. We will also maintain close contact with the security forces to encourage professionalism and restraint, and conduct outreach to monitor reaction to the new government by the public, media and elites here and in Guayaquil. This will include outreach to Congress, Guayaquil political and economic elite, private sector leaders, media leaders, senior statesmen, indigenous and groups. In the medium term, and assuming the Palacio government consolidates itself, we will need to revisit strategies to support democratic institutions and advance other USG interests. End Summary.

Dealing with Palacio  
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12. (C) Gutierrez was dismissed under Art. 167, section 6 of the Ecuadorian constitution, which permits dismissal of the president for "abandonment of duties, declared by the National Congress." Dismissal was chosen over impeachment because the former requires a simple majority of 51 and impeachment 67. The vote in favor was 60-0, with two abstentions. The constitutionality of the dismissal of Gutierrez is open to question, but ample precedent exists here of irregular interpretations of the constitution which are later legalized to permit government continuity. We have resisted interpreting the constitution and do not believe the USG has an interest in judging this issue.

13. (C) Palacio took office contrasting himself with Gutierrez' discredited actions, swearing fealty to the constitution and expressing respect for rule of law and existing GOE commitments, responsiveness to public opinion, and some concern with aspects of ongoing free trade negotiations (especially intellectual property issues).

Action Plan: Short Term by Quito and Guayaquil  
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14. (C) Government: With protests still possible which could disrupt Palacio's hold over the presidency, we should not rush to publicly legitimize the Palacio government. Privately, however, it is urgent and beneficial to open channels to the new government. We will do so by calling on the three ministers already named, on the pretext of fact-finding, and will use the calls to begin a dialogue including key U.S. interests. We will do this outreach with POL/ECON officers, not at higher levels. If requested by the new president, the Ambassador will engage directly with Palacio, without pronouncing or endorsing the legitimacy of the government.

15. (C) Security Forces: The police and military high command played a role the downfall of the Gutierrez government, and has pledged fealty to the new government. Police authorities have made a similar commitment. It is essential, however, to continue to engage with the military and police to keep the pressure on for professionalism and restraint in dealing with the security situation, and to monitor military intentions and internal tensions. We will continue to do so.

16. (C) Outreach to Third Parties: In addition, we will canvass contacts in key sectors: the media, the indigenous movement, the private sector, selected members of the dipcorps, senior statesmen and former ministers we respect.

17. (C) Congress: Is cowed by public protests calling for their ouster, and keeping a low profile. We will monitor them closely for actions which would affect the stability of the new government. Palacio has already signaled that he will not move to dissolve Congress or call early elections, but has called on them to conduct a process of self-examination and criticism.

Medium Term

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18. (C) Once the situation stabilizes, we will need to revisit the question of how the USG can best assist Ecuador to strengthen its democratic institutions and culture.

KENNEY